

Notice of Allowability

Application No.

10/786,875

Examiner

Ethan Whisenant, Ph.D.

Applicant(s)

LATHAM ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper(s) filed 23 JAN 07 and 27 MAR 07.
2. ☒ The allowed claim(s) is/are 11, 14, 27-29, 32, 36-38, 45-46, 57-68, 74, 82-84, 86, 91, and 93-139, now renumbered as Claims 1-78.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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NOTICE OF ALLOWABILITY

1. The applicant's response (filed 23 JAN 07) has been entered. Following the entry of the claim amendment(s), **Claim(s) 11, 14, 27-29, 32, 36-38, 45-46, 57-68, 74, 82-84, 86, 91, and 93-139** is/are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Please **amend the first paragraph of the specification** to read as follows :

This application is a continuation-in-part application of co-pending U.S. Application No. 10/675,860 filed September 30, 2003, now US Patent 7,163,793 which is a continuation of Application No. 09/669,301 filed September 25, 2000, now U.S. Patent 6,664,379, which claims the benefit of U.S. Provisional Application No. 60/155,874, filed September 24, 1999. The entire text of each of the foregoing applications is specifically incorporated herein by reference without disclaimer.

Reason for Allowance

3. **Claim(s) 11, 14, 27-29, 32, 36-38, 45-46, 57-68, 74, 82-84, 86, 91, and 93-139** is/are deemed to be allowable in light of the applicant's amendment filed 23 JAN 07 and the persuasive argument(s) therein.

CONCLUSION

4. Claim(s) Claim(s) 11, 14, 27-29, 32, 36-38, 45-46, 57-68, 74, 82-84, 86, 91, and 93-139 is/are allowable for the reason(s) of record and have now been renumbered as Claims 1-78 as shown in the Table below.

Old #	11	14	27	28	29	32	86	36	37	38	45	46	48	49	57	58
New #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Old #	59	60	61	62	63	64	65	66	67	68	74	93	82	83	84	91
New #	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32

Old #	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109
New #	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48

Old #	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125
New #	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64

Old #	126	127	128	129	130	131	132	133	134	135	136	137	138	139
New #	65	66	67	68	69	70	71	72	73	74	75	76	77	78

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ethan Whisenant, Ph.D. whose telephone number is (571) 272-0754. The examiner can normally be reached Monday-Friday from 8:30AM - 5:30PM EST or any time via voice mail. If repeated attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached at (571) 272-0735.

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The Central Fax number for the USPTO is (571) 273-8300. Please note that the faxing of papers must conform with the Notice to Comply published in the Official Gazette, 1096 OG 30 (November 15, 1989).

A handwritten signature in black ink, appearing to read 'EWH', is positioned above the printed name.

**ETHAN WHISENANT
PRIMARY EXAMINER**

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